

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**JERMAINE DOCKERY, DAVID THOMPSON,
JEFFERY COVINGTON, JOSEPH OSBORNE,
COURNEY GALLOWAY, PHILLIP
FREDENBURG, JOHN BARRETT,
TAFFOREST CHANDLER, ERIC WARD,
DERRICK HAYES, CHRISTOPHER
LINDSEY, DEXTER CAMPBELL, ALVIN
LUCKETT, JAMES VANN, BENJAMIN
McABEE, and ANTHONY EVANS, on behalf of
themselves and all others similarly situated**

PLAINTIFFS

v.

Civil Action No. 3:13cv326-TSL-JMR

**CHRISTOPHER EPPS, in his official capacity as
Commissioner of the Mississippi Department of
Corrections, GLORIA PERRY, in her official
capacity as Chief Medical Officer for the
Mississippi Department of Corrections, and
ARCHIE LONGLEY, in his official capacity as
Deputy Commissioner for Institutions of the
Mississippi Department of Corrections**

DEFENDANTS

**DEFENDANTS' MOTION TO DISMISS COMPLAINT AS TO PLAINTIFF
ERIC WARD FOR LACK OF SUBJECT MATTER JURISDICTION**

Defendants Christopher Epps, Gloria Perry, and Archie Longley, in their official capacities, move the Court under Federal Rule of Civil Procedure 12(b)(1) to dismiss the Complaint as to Plaintiff Eric Ward for lack of subject matter jurisdiction.

Defendants attach hereto in support of the motion as Exhibit "A" a copy of the Mississippi Department of Corrections Information Sheet for Plaintiff Eric Ward.

DATED this the 26th day of July, 2013.

Respectfully submitted,

CHRISTOPHER EPPS, GLORIA PERRY, and
ARCHIE LONGLEY, Defendants

By:

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Counsel for Defendants

CERTIFICATE OF SERVICE

I, ROBERT H. PEDERSEN, do hereby certify that I have this date electronically filed the above and foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following counsel of record:

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and I hereby certify that I have mailed by United States Postal Service a true and correct copy of the above and foregoing pleading to the following non-ECF participant:

NONE

THIS the 26th day of July, 2013.

/s/Robert H. Pedersen